

1 BILL NO. R-80-12-10

2 RESOLUTION NO. R-114-80

3  
4 A RESOLUTION authorizing the transfer of  
5 funds from Account No. 302-345-010 "Cumulative Capital Fund" to Account No.  
6 302-010-010-33.810 "Cumulative Capital Income  
7 Account General Fund" in the 1980 General Fund  
8 Revenue Budget.

9 WHEREAS, it has become necessary to transfer funds to  
10 Account No. 302-010-010-33.810 "Cumulative Capital Income Account General Fund" in the 1980 General Fund Revenue Budget,  
11 for which adequate funds exist in Account No. 302-345-010  
12 "Cumulative Capital Fund", and which transfer has been recommended by the City Controller.

13  
14 NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF  
15 THE CITY OF FORT WAYNE, INDIANA:


16 SECTION 1. That the Controller of the City of Fort  
17 Wayne is hereby authorized to transfer the sum of \$127,520.00  
18 to Account No. 302-010-010-33.810 "Cumulative Capital Income  
19 Account General Fund" of the 1980 General Fund Revenue Budget.

20 SECTION 2. That the unappropriated and unexpended balance of Account No. 302-345-010 "Cumulative Capital Fund" is  
21 hereby reduced in the amount of \$127,520.00.

22 SECTION 3. That this Resolution shall be effective  
23 upon passage and approval by the Mayor.  
24  
25

26   
27 COUNCILMAN

28 APPROVED AS TO FORM AND  
29 LEGALITY DECEMBER 5, 1980.

30   
31 CAROL A. ANGEL  
32 Associate City Attorney

Read the first time in full and on motion by Steen, seconded by Burns, and duly adopted, read the second time by title and referred to the Committee Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after the legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, 19\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATE: 12-9-80

Charles W. Westerman  
CHARLES W. WESTERMAN  
CITY CLERK

Read the third time in full and on motion by Steen, seconded by Burns, and duly adopted, placed on its passage. PASSED (~~Lost~~) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	<u>9</u>	<u>0</u>	_____	_____	_____
BURNS	<u>X</u>	_____	_____	_____	_____
ELSBART	<u>X</u>	_____	_____	_____	_____
GIAQUINTA	<u>X</u>	_____	_____	_____	_____
NECKOLS	<u>X</u>	_____	_____	_____	_____
SCHMIDT, D.	<u>X</u>	_____	_____	_____	_____
SCHMIDT, V.	<u>X</u>	_____	_____	_____	_____
SCHOMBURG	<u>X</u>	_____	_____	_____	_____
SIEB	<u>X</u>	_____	_____	_____	_____
TALARICO	<u>X</u>	_____	_____	_____	_____

DATE: 12-23-80

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) No. B-114-80 on the 23rd day of December, 1980.

ATTEST:  
Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

(SEAL)  
Vivian J. Schmidt  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of December, 1980, at the hour of 10:00 o'clock A M., E.S.T.

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this 20th day of December 1980, at the hour of 11 o'clock A M., E.S.T.

Winfield C. Moses, Jr.  
WINFIELD C. MOSES, JR.  
MAYOR

BILL NO. R-80-12-10

REPORT OF THE COMMITTEE ON FINANCE

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS REFERRED AN  
ORDINANCE A RESOLUTION authorizing the transfer of funds from Account

No. 302-345-010 "Cumulative Capital Fund" to Account No.

302-010-010-33.810 "Cumulative Capital Income Account General  
Fund" in the 1980 General Fund Revenue Budget

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT  
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE DO PASS.

JAMES S. STIER, CHAIRMAN

MARK GIAQUINTA, VICE CHAIRMAN

BEN EISBART

PAUL M. BURNS

DONALD J. SCHMIDT

22  
DATE 12/11/80 CONCURRED IN  
CHARLES W. WESTERMAN, CITY CLERK

Date 12/4/80

TO THE CITY CONTROLLER:

The City Controller

(Department)

requests that an appropriation ordinance be prepared and submitted to the City Council authorizing the transfer of \$ 127,520 from

Account No. 302-345-010 Title Cumulative Capital Fund to

Account No. 302-010-010-33.810 Title C.C.Income Account General Fund

Reason for Transfer This transfer of monies from Cumulative Capital  
was included in the 1980 General Fund revenue budget and is necessary  
to complete general fund income for 1980. This is not an appropriation  
but a transfer of unobligated monies in the Cumulative Capital Fund  
to the General Fund as provided in IC 6-7-1-31.1

Department Head or Board Member

Directions -- Departments requesting transfer of funds from one account to another, or for the appropriation of funds from the unexpended balance of the General Fund must fill out this form in duplicate, and send both the original and one copy to the Controller's Office. It is suggested that a third copy be made and retained by the department originating the request. The Controller's office will retain one copy of the form and send the other to the City Attorney which will be his authorization to prepare the appropriation ordinance. Please send the request for transfer of funds to the Controller as early as possible, and at least one week should be allowed for the City Attorney to prepare the appropriation ordinance and the City Clerk to enroll it for the next Council meeting.

receives under this subsection in the capital improvement bond fund established by IC 18-4-17-13. The remainder of the money which the county treasurer receives under this subsection is appropriated to the department of transportation established by IC 18-4-10 [18-4-10-1 — 18-4-10-14]. The county treasurer shall serve as custodian of the money so appropriated to the department.

(e) For a city or town which is neither a consolidated city nor located in the same county as a consolidated city, the auditor of state shall issue a warrant for the total amount allocated to the city or town under subsection (b) to the chief fiscal officer of the city or town. The chief fiscal officer shall deposit three fourteenths [<sup>3</sup>/<sub>14</sub>] of the money in the city's or town's general fund, and he shall deposit the remaining eleven fourteenths [<sup>11</sup>/<sub>14</sub>] of the money in the city's or town's cumulative capital improvement fund. [IC 6-7-1-30.1, as added by Acts 1977, P.L. 89, § 3, p. 463.]

Opinions of Attorney General. Where a city or town comes into existence subsequent to the last preceding decennial census it may participate in the distribution of cigarette tax money by basing its population upon a United States special census pending the next decennial census; but a city or town in

existence at the time of the last decennial census cannot claim a greater share of the distribution based on its special census population figures, but must continue to share on the basis of the last preceding decennial census. 1965, No. 15, p. 69.

#### 6-7-1-31 [64-2928c]. [Repealed.]

Compiler's Notes. This section (Acts 1947, ch. 222, § 27c, as added by Acts 1965, ch. 225, § 4; 1967, ch. 296, § 2; 1977, P.L. 2, § 34) concerning use of cigarette tax funds for port

and conservation facilities, was repealed by § 6 of Acts 1977, P.L. 89. For similar provisions concerning conservation, see 6-7-1-29.1.

#### 6-7-1-31.1. Cumulative capital improvement fund for cities and towns.

—(a) The common council of each city and the board of trustees of each town shall, by ordinance or resolution, establish a cumulative capital improvement fund for the city or town. Except as otherwise provided in subsection (b), the city or town may only use money in its cumulative capital improvement fund to:

- (1) Purchase land, easements, or rights-of-way;
- (2) Purchase buildings;
- (3) Construct or improve city owned property; or

(4) Retire general obligation bonds issued by the city or town for one [1] of the purposes stated in clause (1), (2), or (3) of this subsection. The money in the city's or town's cumulative capital improvement fund does not revert to its general fund.

(b) Any city or town may at any time, by ordinance or resolution, transfer to its general fund any moneys derived under this chapter [6-7-1-1 — 6-7-1-36], which have been deposited in the city's or town's cumulative capital improvement fund. [IC 6-7-1-31.1, as added by Acts 1977, P.L. 89, § 4, p. 463.]

Opinions of Attorney General. The term "capital improvement" as used in 6-7-1-30

(since repealed) and 6-7-1-32 (since repealed), and defined in 6-7-1-34 (since repealed) did not

Admn. Appr. \_\_\_\_\_

DIGEST SHEET

TITLE OF ORDINANCE Transfer Resolution 2-80-12-10

DEPARTMENT REQUESTING ORDINANCE City Controller

SYNOPSIS OF ORDINANCE A resolution transferring certain unobligated monies in the Cumulative Capital Improvement Fund to the General Fund in accordance with IC 6-7-1-31.1

EFFECT OF PASSAGE Provides necessary and anticipated revenue in the General Fund which was included in the 1980 General Fund revenue budget

EFFECT OF NON-PASSAGE General Fund revenue will be short in 1980

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \$127,520

NO PUBLIC HEARING REQUIRED.

ASSIGNED TO COMMITTEE (J.N.) Finance

DATE SUBMITTED: 12/4/80

AUDITOR'S OFFICE  
**F I L E D**  
DEC 29 1980

*Robert C. Beal*  
AUDITOR OF ALLEN COUNTY